

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

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PHELAN HALLINAN DIAMOND & JONES, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
856-813-5500
Attorneys for U.S. BANK TRUST, N.A., AS TRUSTEE FOR
LSF9 MASTER PARTICIPATION TRUST, BY CALIBER
HOME LOANS, INC., AS ITS ATTORNEY IN FACT

In Re:

MONETHA DOCKERY



Order Filed on April 22, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 17-30253 - KCF

Hearing Date: March 27, 2019

Judge: KATHRYN C. FERGUSON

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

DATED: April 22, 2019

A handwritten signature in black ink, appearing to read "Kathryn C. Ferguson".

Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

Applicant: U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST, BY CALIBER HOME LOANS, INC., AS ITS ATTORNEY IN FACT

Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC

Debtor's Counsel: George E. Veitengruber, III, Esquire, Esquire

Property Involved ("Collateral"): 53 NORMANDY LANE, WILLINGBORO, NJ 08046

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 3 months, from 01/30/2019 to 03/30/2019.

☒ The Debtor is overdue for 3 payments at \$1,582.28 per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☐ Applicant acknowledges suspense funds in the amount of \$_____.

Total Arrearages Due \$4,746.84.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$1,582.28. Payment shall be made no later than 04/30/2019.

☒ Beginning on 04/30/2019, regular monthly mortgage payments shall continue to be made.

☒ Beginning on 04/30/2019, additional monthly cure payments shall be made in the amount of \$527.43 for 5 months.

☒ On 09/30/2019, additional monthly cure payment shall be made in the amount of \$527.41.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Caliber Home Loans, Inc.
P.O. Box 650856
Dallas, TX 75265-0856

☒ Regular Monthly payment:

Caliber Home Loans, Inc.
P.O. Box 650856
Dallas, TX 75265-0856

☒ Monthly cure payment:

Caliber Home Loans, Inc.
P.O. Box 650856
Dallas, TX 75265-0856

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5
 United States Bankruptcy Court
 District of New Jersey

In re:
 Monetha Dockery
 Debtor

Case No. 17-30253-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Apr 25, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 27, 2019.

db +Monetha Dockery, 53 Normandy Lane, Willingboro, NJ 08046-1307

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 27, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 25, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 George E Veitengruber, III on behalf of Debtor Monetha Dockery Gveitengruber.esq@gmail.com,
 knapolitanol5@gmail.com
 James Patrick Shay on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER
 PARTICIPATION TRUST jpshay@mdwgc.com, jpshay@gmail.com
 Laura M. Egerman on behalf of Creditor U.S. Bank Trust, N.A. bkyecf@rasflaw.com,
 bkyecf@rasflaw.com;legerman@rasnj.com
 Nicholas V. Rogers on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER
 PARTICIPATION TRUST nj.bkecf@fedphe.com
 Rebecca Ann Solarz on behalf of Creditor Toyota Lease Trust rsolarz@kmlawgroup.com
 Robert Davidow on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER
 PARTICIPATION TRUST, BY CALIBER HOME LOANS, INC., AS ITS ATTORNEY IN FACT nj.bkecf@fedphe.com
 Steven P. Kelly on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER
 PARTICIPATION TRUST skelly@sterneisenberg.com, bkecf@sterneisenberg.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10